REMARKS

Claims 31 and 53 are canceled herein. Claims 20, 43, 58, 68 and 83 have been amended. The amendments are fully supported by the specification and no new matter has been added. In particular the amendments to Claims 20, 43, 68 and 83 are supported at least by the second full paragraph on page four and the third full paragraph on page seven of the originally filed specification and Figure 1, including features 14 and 15. The amendment to Claim 58 is supported at least by the fourth full paragraph on page four of the originally filed specification. Claims 20, 21, 23-30, 32, 38-52, 54-87 are pending in the application and are presented for further consideration.

Claim Rejections under 35 U.S.C. §102

The Examiner rejected Claims 20, 21, 23-29, 32, 38-40, 43-51, 54-66, 69-81, and 84-87 as being anticipated by Szafranski et al. (US 5,338,051). Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131.

Szafranski teaches "[a] ski ... having attached thereto an element, such as a slide plate of a safety binding, with a layer of thermofusible material." (Abstract). However, Szafranski does not teach that "said mounting aid comprises at least one of snap-in lugs and detent apertures, spaced from one another in the longitudinal direction of the device, configured for the snap-in positioning and fixing of a binding or components thereof," as recited by Claims 2, 43, 68, and 83. This feature is advantageous because, as noted in the specification, "[b]y that means the binding 28 can be displaced stepwise in the longitudinal direction of the ski." (Specification page 7, full paragraph 3). These fixing and positioning features allow a quick change of the binding in the longitudinal direction of the ski either before a race, between two races, or during a race depending on the snow conditions, running uphill or downhill, etc. For example, for climbing up a hill or slope it may be preferred to move the binding a little bit more forward. As Szafranski does not teach this limitation, Applicant respectfully submits that independent Claims 20 and 43 and their dependants are not anticipated for at least this reason.

In addition, Szafranski does not teach that the "adhesive comprises a layer having a maximum thickness of 5 to 10% of a thickness of the mounting aid or binding plate" as recited by Claim 58, as amended. This feature is advantageous because, as noted in the specification, "[t]he adhesive should thus not define a damping volume." (Specification page 4, full paragraph 4). While Szafranski teaches an attachment layer, it does not teach that the layer has a maximum thickness that is 5 to 10% of the thickness of the mounting aid or binding plate. Accordingly, Applicant respectfully submits that independent Claim 58 and its dependants are not anticipated for at least this reason.

Further, Szafranski does not teach the "mounting aid being encapsulated by the top face of the device" as recited by Claim 73. In none of the embodiments shown or described by Szafranski is the mounting aid encapsulated by the top face of the device. Indeed, the Examiner has not cited any portion of the prior art which discloses this feature. For at least this reason, Applicant respectfully submits that Claim 73 and its dependents are not anticipated.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 30, 31, 41, 42, 52, 53, 67, 68, and 83 as being unpatentable over Szafranski. The rejections of Claim 31 and 53 are moot as those claims have been cancelled. With respect to the remaining claims, Applicant respectfully submits that the pending Claims are not obvious as each of the independent claims recites features not taught or suggested by Szafranski. In addition, Applicant notes that at least with respect to Claims 30, 52, and 67, the combination of Szafranski with what is alleged by the Examiner to be well known in the art is inappropriate. These Claims each recite that "said mounting aid has nipple-like or stud-like lugs, said lugs corresponding to complementary recesses provided in the top face of the device." Szafranski teaches a vibrational welding of thermofusible material. A layer of thermofusible material is placed on the respective attachment surfaces of the applied element and the ski. The two layers of thermofusible material are heated in a manner to raise each layer's temperature above the melting point of the material while applying pressure to both the ski and applied element. The pressure being applied is vibrated in a longitudinal direction as shown in Fig. 2a. The presence of lugs in the mounting aid and complimentary recesses in the top of the

device is incompatible with this manufacturing process described in Szafranski. Accordingly, Applicant respectfully submits that the combination of Szafranski with the allegedly well known lugs and apertures is inappropriate because such a combination would render the manufacturing method of Szafranski inoperable for its intended purpose. *See* M.P.E.P. § 2143.01(V) ("If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification."); *see also, In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984, cited in M.P.E.P. § 2143.01(V)) (Reversing the Board decision that claims drawn to a blood filter assembly were obvious by finding that if the prior art device was modified, it would be inoperable for its intended purpose.). For at least this additional reason, Applicant submits that Claims 30, 52, and 67 are not unpatentable over Szafranski.

Applicant also notes that the bonding process described in the pending application has numerous advantages over the complex and expensive vibrational welding of Szafranski. For example, in the bonding process, an adhesive layer having a maximum thickness of 5% to 10% of the thickness of the mounting aid can be used. In addition, bonding over the entire surface of the top face of the ski allows the bonded unit to withstand the significant forces exerted during use of the ski. In certain circumstances these forces may reach may reach as much as 11 short tons in the longitudinal direction.

In view of the above, Applicant respectfully requests allowance of the pending claims.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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